

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FLEX-N-GATE CORP., an
Illinois corporation,

Plaintiff,

08-CV-02502 (LLS)

-against-

NOTICE OF MOTION TO ADMIT
COUNSEL PRO HAC VICE

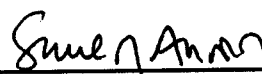
GERHARD WEGEN, a citizen of
Germany,

Defendant.
-----X

PLEASE TAKE NOTICE that, upon the Affidavit of Samuel J. Abate Jr., sworn to April 29, 2008 and the Certificate of Good Standing annexed thereto, Plaintiff Flex-N-Gate Corporation will move this Court before the Honorable Louis L. Stanton, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, allowing the admission of David D. Murphy, a member of the law firm of Pepper Hamilton LLP and a member in good standing of the Bar of the State of Michigan, as attorney to the bar of this Court *pro hac vice* to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against Mr. Murphy in any state or federal court.

Dated: New York, New York
April 29, 2008

Respectfully submitted,



Samuel J. Abate, Jr. (SA 0915)
PEPPER HAMILTON, LLP
Attorneys for Plaintiff
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
(212) 808-2700

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6219393

TO: Prof. Dr. Gerhard Wegen, LL.M.
Gleiss Lutz Rechtsanwälte
Maybachst. 6
70469 Stuttgart
Germany

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FLEX-N-GATE CORP., an
Illinois corporation,

Plaintiff,

08-CV-02502 (LLS)

-against-

AFFIDAVIT

GERHARD WEGEN, a citizen of
Germany,

Defendant.

-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

SAMUEL J. ABATE, JR., being duly sworn, hereby deposes and says as follows:

1. I am an attorney admitted to practice in the State of New York and before this Court. I am a partner with the law firm of Pepper Hamilton LLP, counsel for Plaintiff in the above-captioned matter.

2. I make this Affidavit in support of the motion for the admission of David D. Murphy to practice *pro hac vice* in the above-captioned matter.

3. Mr. Murphy is a partner with our law firm, Pepper Hamilton LLP, at 100 Renaissance Center Suite 3600, Detroit, Michigan 48243. As shown in the Certificate of Good Standing annexed to this Affidavit as Exhibit A, Mr. Murphy is a member in good standing of the Bar of the State of Michigan, admitted December 12, 1973.

4. Mr. Murphy is also admitted to practice before the following federal courts: Eastern District of Michigan (12/19/73), Western District of Michigan (7/12/85), 6th

Circuit Court of Appeals (8/10/87), 3rd Circuit Court of Appeals (4/18/95) and the U.S. Supreme Court (9/10/93).

5. There are no pending disciplinary proceedings against Mr. Murphy in any State or Federal Court.

6. Service of process of the Summons and Complaint has not yet been effected upon defendant, who resides in Germany, in accordance with the Hague Convention, but a copy of these papers will be mailed to him.

7. It is respectfully requested that the Court grant the motion for an order permitting David D. Murphy to appear in this action as counsel for Plaintiff for all purposes *pro hac vice*. A proposed order for Mr. Murphy's admission *pro hac vice* is appended hereto.



SAMUEL J. ABATE, JR.

Sworn to before me this
29th day of April, 2008.



Notary Public

MARIE A. RAMOS
NOTARY PUBLIC, State of New York
No. 01RA5038287
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires Jan. 23, 20 11

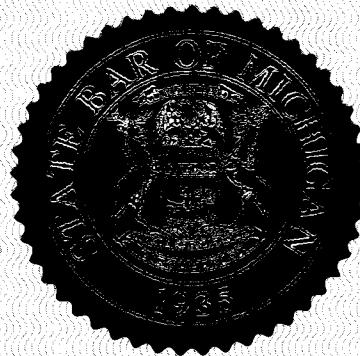
State Bar of Michigan

Certificate of Good Standing



This certifies that David D. Murphy, P22980 of Detroit, Michigan is an active member of the State Bar of Michigan in good standing. He was admitted to practice in Michigan on December 19, 1973 in Wayne County and became a member of the State Bar of Michigan on December 19, 1973.

Janet K. Welch
Executive Director
April 21, 2008



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FLEX-N-GATE CORP., an
Illinois corporation,

Plaintiff,

08-CV-02502 (LLS)

-against-

ORDER FOR ADMISSION
PRO HAC VICE
ON WRITTEN MOTION

GERHARD WEGEN, a citizen of
Germany,

Defendant.

-----X

Upon the motion of Samuel J. Abate, Jr. attorney for Plaintiff Flex-N-Gate
Corporation and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

David D. Murphy
Pepper Hamilton LLP
100 Renaissance Center Suite 3600
Detroit, Michigan 48243
(313) 393-7317 / (313) 259-7926 (Fax)
murphyd@pepperlaw.com

is admitted to practice *pro hac vice* as counsel for Plaintiff Flex-N-Gate Corporation in the above
captioned case in the United States District Court for the Southern District of New York. All
attorneys appearing before this Court are subject to the Local Rules of this Court, including the
Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing
(ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov.
Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated:

Honorable Louis L. Stanton
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

FLEX-N-GATE CORPORATION, an
Illinois corporation,

Plaintiff,

vs.

Case No. 08-CV-2502 (LLS)

AFFIDAVIT OF SERVICE

GERHARD WEGEN, a citizen of
Germany,

Defendant.

-----X

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

The undersigned, being duly sworn, deposes and says that she is over the age of 18 years, and is not a party to this action.

That, on the 29th day of April, 2008, she caused to be served the within NOTICE OF MOTION TO ADMIT COUNSEL *PRO HAC VICE*, and the AFFIDAVIT OF SAMUEL J. ABATE, Jr., by first class mail upon:

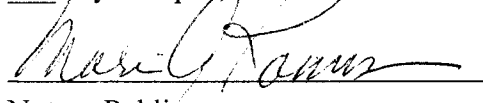
Prof. Dr. Gerhard Wegen, LL.M.
Gleiss Lutz Rechtsanwälte
Maybachst. 6
70469 Stuttgart
Germany

the addresses having been designated by said attorneys for that purpose, by depositing a true copy of same, securely enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service.



Bridget Casey

Sworn to before me this
29th day of April, 2008



Notary Public

MARIE A. RAMOS
NOTARY PUBLIC, State of New York
No. 01RA5038297
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires Jan. 23, 2011